

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BALVINO MACIAS TERAN, et al.,

Defendant.

NO. CR16-0335RSL

**ORDER GRANTING
GOVERNMENT'S APPLICATION
FOR A POST-INDICTMENT
PROTECTIVE ORDER TO
MAINTAIN CUSTODY OF
PROPERTY**

THIS MATTER comes before the Court upon the United States' motion for a protective order, pursuant to 21 U.S.C. § 853(e)(1)(A), to maintain custody of certain property named for forfeiture in the Indictment filed in this matter on December 21, 2016. Having reviewed the United States' motion, the Court finds:

The property to which this Order applies is listed as follows (hereinafter sometimes referred to as the "Subject Firearm"):

- (a) One (1) Beretta Pietro S.P.A. 92FS 9mm Pistol, bearing Serial No. L08257Z, seized from Defendant Balvino Macias Teran's residence in Indio, California, on December 8, 2016.

The Subject Firearm represents property that has been named as subject to forfeiture pursuant to 21 U.S.C. § 853 in the Indictment in which the Grand Jury alleges that the Subject Firearm is subject to forfeiture upon Defendant Balvino Macias Teran's POST-INDICTMENT PROTECTIVE ORDER, CR16-0335RSL - 1

1 conviction of Counts One (1) and Two (2) of the Indictment, for violations of
2 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846, *Conspiracy to Distribute Controlled*
3 *Substances*, and 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 18 U.S.C. § 2, *Distribution of a*
4 *Controlled Substance*. The Subject Firearm is currently in the custody of the Drug
5 Enforcement Agency (DEA).

6 The Court has reviewed the United States' application for a protective order which
7 alleges that the above-listed property is subject to forfeiture in this criminal proceeding.
8 The Court finds that the Indictment has demonstrated the probable cause necessary for
9 the continued restraint and custody of the Subject Firearm pending conclusion of the
10 criminal forfeiture proceedings in this case.

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1 Accordingly, the Court finds that the United States is entitled to a protective order
2 pursuant to 21 U.S.C. § 853(e)(1)(A).

3 It is therefore, **ORDERED AND ADJUDGED:**

- 4 1. The United States' application for a protective order is GRANTED.
5 2. The Subject Firearm identified above shall remain in the custody of the
6 Drug Enforcement Agency (DEA), pending conclusion of the criminal
7 forfeiture proceedings and further order of this Court.
8 3. The Clerk is ordered to send copies of this Order to counsel for all parties
9 of record.

10 DATED this 12th day of May, 2017.

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13 Robert S. Lasnik
14 United States District Judge

15 Presented by:

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